

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY PENNINGTON, ET AL. :  
v.  
WELLS FARGO BANK N.A. : CIVIL ACTION  
*SUCCESSOR TO WELLS FARGO HOME* :  
*MORTGAGE, ET AL.* : NO. 11cv2896

**ORDER**

AND NOW, this 19<sup>th</sup> day of October 2012, upon careful consideration of defendant's motion to dismiss, plaintiffs' opposition thereto, and after oral argument and pursuant to the court's order of October 17, 2012, **IT IS HEREBY ORDERED** that:

1. With respect to counts I through VI, inclusive, the defendant's motion to dismiss is **GRANTED** and those claims are **DISMISSED WITH PREJUDICE**; and
2. With respect to the plaintiffs' claim for quiet title, the defendant's motion to dismiss is **DENIED** pending a decision by Wells Fargo Bank, N.A. on plaintiffs' offer to execute and deliver a deed in lieu of foreclosure.

s/ William H. Yohn Jr.  
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William H. Yohn Jr., Judge